

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HENRY A. UMOUYO, et al.,

CASE NO. 2:22-cv-00704-JHC

Plaintiffs,

ORDER

V.

BANK OF AMERICA NA, et al.,

Defendants.

This matter comes before the Court on Defendants Bank of America, N.A. and Carrington Mortgage Services, LLC's Motion to Dismiss for Failure to State a Claim filed on May 31, 2022. Dkt. # 6. On June 20, 2022, Plaintiff Henry A. Umouyo filed an amended complaint. Dkt. # 14. Defendants then filed a Motion to Dismiss First Amended Complaint. Dkt. # 17.

In the Ninth Circuit, the filing of “an amended complaint supercedes the original complaint and renders it without legal effect.” *Lacey v. Maricopa Cnty.*, 693 F.3d 896, 927 (9th Cir. 2012). “Courts often apply this rule to motions to dismiss a complaint that has since been superseded and deny such motions as moot.” *Bisson v. Bank of Am., N.A.*, No. C12-0995JLR, 2012 WL 5866309, at *1 (W.D. Wash. Nov. 16, 2012) (collecting cases). Plaintiff’s amended

1 complaint (Dkt. # 14) has superseded the original complaint (Dkt. # 1-2) and is now the
2 operative pleading in this proceeding. Accordingly, the Court STRIKES Defendants' motion to
3 dismiss the original complaint (Dkt. # 6) as moot. *See Caldwell v. Boeing Co.*, No. C17-
4 1741JLR, 2018 WL 2113980, at *3 (W.D. Wash. May 8, 2018) ("the court denied Boeing's first
5 motion to dismiss as moot because Mr. Caldwell's second amended complaint superseded his
6 original complaint and rendered his original complaint without legal effect.").

7 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
8 to any party appearing *pro se* at said party's last known address.

9 Dated this 1st day of July, 2022.

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11 John H. Chun
12 United States District Judge
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